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In re Application of
Matsuoka et al.
Application No. 10/582,862
Filed: June 14, 2006
For: SPEAKER-CHARACTERISTIC COMPENSATION
METHOD FOR MOBILE TERMINAL DEVICE

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed August 9, 2007, which is being treated as a petition under 37 CFR 1.181(a)(3) requesting that the Director exercise his supervisory authority and withdraw any holding of abandonment and restart the period for reply due to lack of e-notification..

The petition is **granted**.

Petitioner asserts that the "e-notification" of the May 4, 2007, Office action which did require a reply was not received, while an e-notification for the PG Pub notice of May 3, 2007, which did not require a reply, did generate an e notification. However, due to processing delays within the USPTO the indications of the Office action was not immediately available for inspection in the Private Pair records, such that petitioner was unaware of its force and effect. Petitioner further asserts that a subsequent conversation with the Electronic Business Center (EBC) of the USPTO indicates that by way of a programming error at the USPTO, the e-notification specific to that Office action was not sent.

Effective December 16, 2006, the USPTO began a pilot program to provide a limited number of Private PAIR users with the option of receiving electronic notification of some outgoing correspondence related to their US patents and US national patent applications retrievable through Private PAIR instead of a paper mailing of the correspondence. See 1314 *Off. Gaz. Pat. Office* 1321 (Jan. 16, 2007); 1319 *Off. Gaz. Pat. Office* 145 (June 26, 2007).

The EBC has confirmed that while an e-notification will be sent for a given outgoing communication from the USPTO, the record of that notification may operate to "mask" other outgoing correspondence "mailed" at about the same time, such that a second, separate e-notification is not generated. The USPTO regrets the error and inconvenience, and that software fault has been corrected.

This application is being referred to the Technology Center for "re-mailing" the Office action of and restarting the period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner